

Community Relations

UNIFORM COMPLAINT PROCEDURES

This policy and the corresponding administrative regulation contain rules and instructions about the filing, investigation, and resolution of a Uniform Complaint Procedures (UCP) complaint. UCP complaints include any complaint brought forth by a complainant alleging a failure by the Elk Grove Unified School District to comply with federal or state laws or regulations governing educational programs, including allegations of unlawful discrimination (such as harassment, intimidation or bullying based on any of the protected classes stated herein) and non-compliance with laws relating to pupil fees and the district's Local Control and Accountability Plan (LCAP). A complainant, for purposes of this policy, is any individual, including a person's duly authorized representative or an interested third party, public agency, or organization who files a written complaint that is governed by this policy.

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.3 - Nondiscrimination/Harassment/Intimidation/Bullying)

(cf. 5131.2 - Bullying)

The Board encourages early resolution of complaints whenever possible. To resolve complaints that cannot be resolved through an informal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and described herein.

Complaints Subject to the UCP

The district's UCP shall be used to investigate and resolve the following complaints brought forth by any complainant, which include all complaints related to the matters addressed in Education Code section 33315(a):

1. Any complaint alleging district violation of state or federal law or regulations governing the following programs and activities that are implemented by the district, including: adult education programs; career technical and technical education training programs; child care and development programs; migrant child education; juvenile court schools; school safety plans; deficiencies related to state preschool health and safety issues; and any other district-implemented consolidated categorical aid program which are listed in Education Code 64000(a), including: programs for tobacco use prevention; bilingual education programs; compensatory education programs; California peer assistance and review programs for teachers; school safety and violence prevention programs.
2. Any complaint, filed by or on behalf of a student, alleging the occurrence of unlawful discrimination against any student, employee or other person participating in district programs and activities, including, but not limited to, those activities funded directly by or that receive benefit from any state financial assistance.

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Unlawful discrimination includes, but is not limited to, discriminatory harassment, intimidation, or bullying based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics.

3. Any complaint alleging district noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student.

4. Any complaint alleging district noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities.

5. Any complaint alleging district noncompliance with legal requirements related to the implementation of the local control and accountability plan.

The LCAP is an important component of the Local Control Funding Formula (LCFF), the revised school finance system that overhauled how California funds its K-12 schools. Under the LCFF we are required to prepare an LCAP, which describes how we intend to meet annual goals for district pupils, with specific activities to address state and local priorities identified pursuant to Education Code Section 52060(d).

6. Any complaint, by or on behalf of any student who is a foster youth, alleging district noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the district's educational liaison to the student, the award of credit for coursework satisfactorily completed in another school or district, school transfer, or the grant of an exemption from Board-imposed graduation requirements.

7. Any complaint, by or on behalf of a homeless student, as defined in 42 USC 11434a, a former juvenile court school student, a child of a military family, as defined in Education Code 49701, a student who is a migratory child, as defined in Education Code 54441(a), or a newly arrived immigrant student participating in a "Newcomer Program" as defined in Education Code 51225.2(a)(6), who transfers into the district after his/her second year of high school, alleging district noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another school or district or the grant of an exemption from Board-imposed graduation requirements.

8. Any complaint alleging district noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student in grades 9-12 to a course without

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educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions.

9. Any complaint alleging district noncompliance with the physical education instructional minutes requirement for students in elementary school.

10. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy.

11. Any other complaint as specified in a district policy. However, only complaints listed in Title 5 California Code of Regulation section 4610 may be appealed to the California Department of Education pursuant to the corresponding administrative regulation.

12. Any other state or federal education program the State Superintendent of Public Instruction deems appropriate or necessary.

Non-UCP Allegations and Complaints

When an allegation that is not subject to the UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency for further processing.

The following complaints shall be referred to other agencies for appropriate resolution and are not subject to the district's UCP process set forth in this document unless these procedures are made applicable by separate interagency agreements:

1. Allegations of child abuse shall be referred to County Department of Social Services (DSS), Protective Services Division or appropriate law enforcement agency.

2. Health and safety complaints regarding a child development program shall be referred to Department of Social Services for licensed facilities, and to the appropriate Child Development regional administrator for licensing-exempt facilities.

3. Allegations of fraud shall be referred to the Legal, Audits and Compliance Branch in the California Department of Education (CDE).

Any complaint alleging unlawful discrimination, sexual harassment or related retaliation in employment shall be processed in accordance with Board Policy 4030 – Nondiscrimination in Employment and Board Policy and Administrative Regulation 4119.11 – Sexual Harassment.

Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments shall be investigated and resolved in accordance with

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Administrative Regulation 1312.4 – Williams Uniform Complaint Procedures.

These procedures do not apply to complaints related to special education programs, which are governed by Title 34 Code of Federal Regulations sections 300.151 through 300.153 and by Title 5 California Code of Regulation section 3080 et seq.

These procedures do not apply to complaints regarding child nutrition programs, which are governed by Title 34 Code of Federal Regulations sections 210.19(a)(4), 215.1(a), 220.13(c), 225.11(b), 226.6(n) and 250.15(d) and by Title 5 California Code of Regulation section 15580 et seq.

Responsibilities of District and Notice

The district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations. The district shall investigate and seek to resolve, in accordance with the district's UCP, any complaints alleging failure to comply with applicable state and federal laws and regulations including, but not limited to, allegations of unlawful discrimination, sexual harassment or related retaliation, or noncompliance with laws relating to all programs and activities implemented by the district that are subject to the UCP, as detailed herein.

The district shall ensure annual dissemination of the written notice of its UCP to students, employees, parents/guardians, school and district advisory committees' members, appropriate private school officials or representatives, and other interested parties. The written notice shall include information regarding about the prohibition of unlawful discrimination, sexual harassment and related retaliation; unlawful student fees; LCAP requirements; and requirements related to the educational rights of foster youth, homeless students, former juvenile court school students, and children of military families.

The district's UCP shall be posted in all district schools and offices, including staff lounges and student government meeting rooms.

The Legal Compliance Specialist, identified herein, or designee shall maintain a record of each complaint received. The record shall also document subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

8200-8498 Child care and development programs

8500-8538 Adult basic education

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18100-18203 School libraries
32280-32289 School safety plan, uniform complaint procedures
33380-33384 California Indian Education Centers
35186 Williams uniform complaint procedures
44500-44508 California Peer Assistance and Review Program for Teachers
46015 Parental leave for students
48853-48853.5 Foster youth
48985 Notices in language other than English
49010-49014 Student fees
49060-49079 Student records, especially:
49069.5 Records of foster youth
49490-49590 Child nutrition programs
49701 Interstate Compact on Educational Opportunity for Military Children
51210 Courses of study grades 1-6
51223 Physical education, elementary schools
51225.1-51225.2 Foster youth, homeless children, former juvenile court school students, military-connected students, migrant students, and newly arrived immigrant students; course credits; graduation requirements
51226-51226.1 Career technical education
51228.1-51228.3 Course periods without educational content
52060-52077 Local control and accountability plan, especially:
52075 Complaint for lack of compliance with local control and accountability plan requirements
52160-52178 Bilingual education programs
52300-52462 Career technical education
52500-52616.24 Adult schools
54000-54029 Economic Impact Aid
54400-54425 Compensatory education programs
54440-54445 Migrant education
54460-54529 Compensatory education programs
56000-56865 Special education programs
59000-59300 Special schools and centers
64000-64001 Consolidated application process; school plan for student achievement
65000-65001 School site councils

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state
12900-12996 Fair Employment and Housing Act

HEALTH AND SAFETY CODE

1596.792 California Child Day Care Act; general provisions and definitions
1596.7925 California Child Day Care Act; health and safety regulations
104420 Tobacco-Use Prevention Education

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PENAL CODE

422.55 Hate crime; definition

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 2

11023 Harassment and discrimination prevention and correction

CODE OF REGULATIONS, TITLE 5

3080 Applicability of uniform complaint procedures to complaints regarding students with disabilities

4600-4670 Uniform complaint procedures

4680-4687 Williams uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1221 Application of laws

1232g Family Educational Rights and Privacy Act

1681-1688 Title IX of the Education Amendments of 1972

6301-6576 Title I Improving the Academic Achievement of the Disadvantaged

6801-7014 Title III language instruction for limited English proficient and immigrant students

UNITED STATES CODE, TITLE 29

794 Section 504 of Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended

2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964

6101-6107 Age Discrimination Act of 1975

12101-12213 Title II equal opportunity for individuals with disabilities

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy Act

100.3 Prohibition of discrimination on basis of race, color or national origin

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

110.25 Notification of nondiscrimination on the basis of age

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

UNIFORM COMPLAINT PROCEDURES (continued)

Sample UCP Board Policies and Procedures

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter, September 22, 2017

Dear Colleague Letter: Title IX Coordinators, April 2015

Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014

Dear Colleague Letter: Harassment and Bullying, October 2010

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2002

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

Family Policy Compliance Office: <https://www2.ed.gov/policy/gen/guid/fpco>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/ocr>

U.S. Department of Justice: <http://www.justice.gov>

Policy

adopted: September 8, 1992

revised: April 1, 1998

revised: July 1, 2002

revised: March 6, 2007

revised: March 5, 2013

revised: January 20, 2015

revised: December 13, 2016

revised: April 23, 2019

revised: September __, 2019

ELK GROVE UNIFIED SCHOOL DISTRICT

Elk Grove, California